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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,171	03/06/2002	Frank Liebenow	P1854US00	9233

28720 7590 08/25/2003

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OMAHA, NE 68154-5299

EXAMINER
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NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 08/25/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/092,171

Applicant(s)

Liebenow Frank

Examiner

HUNG NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 6, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 11 & 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Cannon et al. (U.S. 6,104,582).

Regarding claim 1, Cannon discloses a method for providing a device with protection from weather events [ figs.1-2, col.2, lines 3-17 and col.3, lines 10-23 ] comprising:

- receiving (32) a notification from a weather event / severe weather [ col.4, lines 11-17 and lines 58-67 ];
- determining (32) at least one weather characteristic as a local storm / wind alert warning [ col.2, lines 53-67 , col.4, lines 58 to col.5, line 19 ];
- a computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as local storm / wind alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ];

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- the computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ].

Regarding claims 2-3, The notification is received from a weather monitoring device as the weather service communication server (30) or radio , TV channel , by any radio frequency wireless communication [ figs.1,4, col.3, lines 10-24 and col.4, lines 11-33 ].

Regarding claim 4, The computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as severe weather / local storm / winds alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ].

Regarding claims 6 & 11, The computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ].

Regarding claim 32, Cannon discloses a system for configuring a device / computer system (10) for protection from weather events [ figs.1-2, col.2, lines 3-17 and col.3, lines 10-23 ] comprising:

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- receiving (32) a notification from a weather event / severe weather [ col.4, lines 11-17 and lines 58-67 ];
- determining at least one weather characteristic as a local storm / wind alert warning [ col.2, lines 53-67 and col.4, line 58 to col.5, line 19 ];
- a computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as local storm / wind alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ];
- the computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 10, 21-26 & 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (U.S. 6,104,582).

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Regarding claim 5, Cannon does not mention the ascertaining includes querying a database of the computer system .

However, Cannon does disclose the computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as local storm / wind alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ];

- the computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area and prior to power down of the computer system (10) which preferably saves data currently in the computer system to a hard drive system [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ] . Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Cannon for calling , questioning & monitoring attention to the severe weather characteristic accuracy.

Regarding claim 10, The notification is received from a weather monitoring device as the weather service communication server (30) or radio , TV channel , by any radio frequency wireless communication [ figs.1,4, col.3, lines 10-24 and col.4, lines 11-33 ];

- the computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as severe weather / local storm / winds alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ];

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- the computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ].

Regarding claim 21, Cannon discloses a system for protection devices / computer system (10) from weather events [ figs.1-2, col.2, lines 3-17 and col.3, lines 10-23 ] comprising:

- receiving (32) a notification from a weather event / severe weather [ col.4, lines 11-17 and lines 58-67 ];
- determining at least one weather characteristic as a local storm / wind alert warning [ col.2, lines 53-67 and col.4, line 58 to col.5, line 19 ];
- a computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as local storm / wind alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ];
- the computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ].

Cannon fails specifically mention the system comprising a plurality of devices communicatively coupled over a network .

However, Cannon discloses the system for protection devices / computer system (10) from weather events NOT ONLY to the computer itself , the system may include other electronic

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communication devices such as televisions (40), VCRs , audio devices (50), telephones and etc. may connect to the network as desired by the users [ fig.4, col.6, lines 45-62 ]. Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Cannon for determining , monitoring and protecting a plurality of devices due to the severe weather characteristic from the notified weather event .

Regarding claim 22, The notification is received from a weather monitoring device as the weather service communication server (30) or radio , TV channel , e-mail or by any radio frequency wireless communication [ figs.1,4, col.3, lines 10-24 and col.4, lines 11-33 ].

Regarding claim 23, The computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as local storm / wind alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ];

- the computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ].

Cannon does not specifically disclose the system does not take protective action to protect at least one device of plurality of devices which is ascertained as not susceptible to the determined weather characteristic from notified weather event .

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However, today most of our homes may have at least one of device such as portable electronic fan , smoke detector , refrigerator , drying machine , etc. does not take protective action to protect which is ascertained as not susceptible to the determined weather characteristic from notified weather event is an obvious in our modern life as skilled in the art should recognize this status condition .

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Cannon for not necessary to protect an electronic device which is ascertained as not susceptible due to the severe weather characteristic from the notified weather event .

Regarding claim 24, The computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as severe weather / local storm / winds alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ].

Regarding claim 25, Cannon does not mention the ascertaining includes querying a database of the computer system .

However, Cannon does disclose the computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as local storm / wind alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ];

- the computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area and prior to power down

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of the computer system (10) which preferably saves data currently in the computer system to a hard drive system [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ] . Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Cannon for calling , questioning & monitoring attention to the severe weather characteristic accuracy.

Regarding claims 26 & 31, The computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ].

Regarding claim 30, The notification is received from a weather monitoring device as the weather service communication server (30) or radio , TV channel , by any radio frequency wireless communication [ figs.1,4, col.3, lines 10-24 and col.4, lines 11-33 ];

- the computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as severe weather / local storm / winds alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ];
- the computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ].

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5. Claims 7-9 , 12-20 & 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (U.S. 6,104,582) in view of Cragun (U.S. 6,177,873).

Regarding claim 7, Cannon does not specifically disclose the notification of the weather event includes an indication of a geographic region for the weather event .

Cragun teaches a weather warning system notify a user when weather alerts issued to geographic area of interest with area code or specific area / particular county such as tornado, high winds , hurricane , winter storm includes time of interval or time of the day by a communication link (310) [ figs.1,3, col.2, lines 14-32 , col.7, line 65 to col.8, line 15 and abstract ]. Therefore, it would have been obvious to one having ordinary skill in the art to utilizing the teaching of Cragun in the system of Cannon for determining , monitoring and indicating a location to which the weather event may threaten to the residences .

Regarding claim 8-9, Cragun teaches a weather warning system notify a user when weather alerts issued to geographic area of interest with **area code** or specific area / particular **county** such as tornado, high winds , hurricane , winter storm includes time of interval or time of the day by a communication link (310) [ figs.1,3, col.2, lines 14-32 , col.7, line 65 to col.8, line 15 and abstract ].

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Regarding claim 12, Cannon discloses a method for providing a device with protection from weather events [ figs.1-2, col.2, lines 3-17 and col.3, lines 10-23 ] comprising:

- receiving (32) a notification from a weather event / severe weather [ col.4, lines 11-17 and lines 58-67 ];
- determining (32) at least one weather characteristic as a local storm as a current location / wind alert warning [ col.2, lines 53-67 , col.4, lines 58 to col.5, line 19 ];
- a computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as local storm as a current location / wind alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ];
- the computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ].

Cannon does not specifically disclose the notification of the weather event includes an indication of a geographic region for the weather event .

Cragun teaches a weather warning system notify a user when weather alerts issued to geographic area of interest with area code or specific area / particular county such as tornado, high winds , hurricane , winter storm includes time of interval or time of the day by a communication link (310) [ figs.1,3, col.2, lines 14-32 , col.7, line 65 to col.8, line 15 and abstract ]. Therefore, it would have been obvious to one having ordinary skill in the art to

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utilizing the teaching of Cragun in the system of Cannon for determining , monitoring and indicating a location to which the weather event may threaten to the residences .

Regarding claims 13-14, The notification is received from a weather monitoring device as the weather service communication server (30) or radio , TV channel , by any radio frequency wireless communication [ figs.1,4, col.3, lines 10-24 and col.4, lines 11-33 ].

Regarding claim 15, The computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as severe weather / local storm / winds alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ].

Regarding claim 16, Cannon does not mention the ascertaining includes querying a database of the computer system .

However, Cannon does disclose the computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as local storm / wind alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ];

- the computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area and prior to power down of the computer system (10) which preferably saves data currently in the computer system to a hard drive system [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ] . Therefore, it would have

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been obvious to one having ordinary skill in the art to employ the system of Cannon for calling , questioning & monitoring attention to the severe weather characteristic accuracy.

Regarding claim 17, The computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ].

Regarding claim 18, Cannon does not specifically disclose the notification of the weather event includes an indication of a geographic region for the weather event .

Cragun teaches a weather warning system notify a user when weather alerts issued to geographic area of interest with area code or specific area / particular county such as tornado, high winds , hurricane , winter storm includes time of interval or time of the day by a communication link (310) [ figs.1,3, col.2, lines 14-32 , col.7, line 65 to col.8, line 15 and abstract ]. Therefore, it would have been obvious to one having ordinary skill in the art to utilizing the teaching of Cragun in the system of Cannon for determining , monitoring and indicating a location to which the weather event may threaten to the residences .

Regarding claims 19-20, The notification is received from a weather monitoring device as the weather service communication server (30) or radio , TV channel , by any radio frequency wireless communication [ figs.1,4, col.3, lines 10-24 and col.4, lines 11-33 ];

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- the computer system (10) is connected to a weather service communication server (30) for receiving / determining the weather event such as severe weather / local storm / winds alert warning [ col.3, lines 10-24 and col.4, lines 8-19 ];
- the computer system (10) is automatically power down as a protection action when the severe weather is predicted , imminent or currently occurring in the local area [ fig.2, col.2, lines 9-17 and col.3, lines 10-24 ].

Regarding claim 27, Cannon does not specifically disclose the notification of the weather event includes an indication of a geographic region for the weather event .

Cragun teaches a weather warning system notify a user when weather alerts issued to geographic area of interest with area code or specific area / particular county such as tornado, high winds , hurricane , winter storm includes time of interval or time of the day by a communication link (310) [ figs.1,3, col.2, lines 14-32 , col.7, line 65 to col.8, line 15 and abstract ]. Therefore, it would have been obvious to one having ordinary skill in the art to utilizing the teaching of Cragun in the system of Cannon for determining , monitoring and indicating a location to which the weather event may threaten to the residences .

Regarding claim 28-29, Cragun teaches a weather warning system notify a user when weather alerts issued to geographic area of interest with **area code** or specific area / particular **county** such as tornado, high winds , hurricane , winter storm includes time of interval or time of the day

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by a communication link (310) [ figs.1,3, col.2, lines 14-32 , col.7, line 65 to col.8, line 15 and abstract ].

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

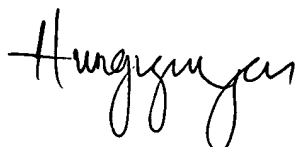
- Gropper (U.S. 5,781,852) Alert receiver interface.
- Masone et al. (U.S. 6,121,885) Combination smoke detector and severe weather warning device.
- Vanderable (U.S. 6,204,761) Weather alert system.
- Lamb (U.S. 6,329,904) Apparatus and method for providing weather and other alerts.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (703) 308-6796. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (703) 305-4717. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read "Hung T. Nguyen". The signature is written in a cursive, flowing style.

Examiner: Hung T. Nguyen

Date: August 18, 2003